

UNITED STATES COURT OF APPEALS

MAY 29 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ABRAHAM BARRAZA-DUARTE,

Defendant - Appellant.

No. 06-10525

D.C. No. CR-04-01688-RCC

District of Arizona,

Tucson

ORDER

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

The Government's motion to clarify remand procedure and amend memorandum decision filed on January 24, 2008 is GRANTED. The Memorandum Disposition is hereby amended as follows:

The penultimate paragraph of the memorandum disposition, page 3, is amended by adding a new sentence after the final sentence: "If on remand, the district court determines the defendant's motion to dismiss challenging his underlying removal should be denied, the district court may reinstate the judgment of conviction and sentence. Conversely, if it determines that the defendant's motion to dismiss should be granted, it shall dismiss the case. In either event, the court shall provide an explanation for its ruling."